

OFFICE OF THE SECRETARY OF STATE, ELECTIONS DIVISION  
STATE OF COLORADO

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IN THE MATTER OF KAREN FISHER

2021-35, 2021-36, & 2021-40

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**NOTICE OF CONSOLIDATION, INITIAL REVIEW, AND INVESTIGATION**

Jennifer Gibbons (2021-35) and Bill Leach (2021-36) each filed a complaint on September 22, 2021. Jason Hiram Lester (2021-40) filed a complaint on September 24, 2021 (collectively, “Complainants”). Each complaint was filed under section 1-45-111.7(2), C.R.S., and all three complaints allege that Karen Fisher (“Respondent”), in her role as Board of Education President, violated campaign finance law. Specifically, Complainants allege that Respondent (who is Cherry Creek School Board of Education Director of District E and Board of Education President) violated section 1-45-117, C.R.S. when, “in her official role as [Board of Education] President she campaigned on school grounds at an official meeting for the Cherry Creek Parents’ Council meeting.” Complainants also attached numerous documents to the Complaints, including a Cherry Creek Schools memorandum, a Cherry Creek Schools Parents’ Council meeting announcement, and a video and pictures taken at the meeting, among other things.

The Elections Division of the Colorado Secretary of State’s Office (“Division”) has consolidated the three complaints referenced above for review and further proceedings. The Complaints are consolidated because the Complaints arise out of a nucleus of common fact and law with regard to the alleged violations of Colorado campaign finance laws against Respondent.

Please note that all documents and records related to the alleged violations in these Complaints, including email communications, financial records, and other relevant documentation must be maintained until the final agency decision has been reached or appeals have been exhausted.

For the reasons stated below, the Division initially determines that Complainants identified potential violations of Colorado campaign finance law and alleged sufficient facts to support a legal and factual basis regarding the alleged violations. Accordingly, the Division will investigate the allegations contained in the Complaints pursuant to section 1-45-111.7(5), C.R.S.

## Analysis

Any person who believes that a violation of Colorado campaign finance law has occurred may file a complaint with the Colorado Secretary of State.<sup>1</sup> Upon receipt, the Division must initially review a complaint to determine: (1) whether the complaint was timely filed; (2) whether the complaint specifically identified one or more violations of Colorado campaign finance law; and (3) whether the complaint alleged sufficient facts to support a factual and legal basis for the complaint.<sup>2</sup>

### *1. The Complaints were timely filed.*

The Division initially determines that the Complaints were timely filed. A complaint must be filed no later than 180 days after the date on which the complainant knew or should have known, by the exercise of reasonable diligence, of the alleged violation.<sup>3</sup>

In this case, Complainants all state that they first learned of the potential violations by Respondent on September 15, 2021. As stated in the documents attached to the Complaints, the meeting at issue appears to have been held on September 15, 2021. The complaints filed by Jennifer Gibbons (2021-35) and Bill Leach (2021-36) were filed on September 22, 2021. The complaint filed by Jason Hiram Lester (2021-40) was filed on September 24, 2021.

Based on the information provided by Complainants, the Division determines that the Complaints were timely filed per section 1-45-111.7(2)(b), C.R.S., as the Complaints were filed within 180 days of when Complainants knew or should have known of the alleged violations.

### *2. Complainants identify one or more potential violations of Colorado campaign finance law.*

The Division makes the initial determination that Complainants identify one or more potential violations of Colorado campaign finance law.

Under Colorado law, “[n]o agency, department, board, division, bureau, commission, or council of the state or any political subdivision of the state shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office...<sup>4</sup> Additionally, a “member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described.”<sup>5</sup>

Further, a contribution is:

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<sup>1</sup> Section 1-45-111.7(2)(a), C.R.S.

<sup>2</sup> Section 1-45-111.7(3)(a), C.R.S.

<sup>3</sup> Section 1-45-111.7(2)(b), C.R.S.

<sup>4</sup> Section 1-45-117(1)(a)(I), C.R.S.

<sup>5</sup> Section 1-45-117(1)(a)(II), C.R.S.

- (I) The payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, small donor committee, or political party;
- (II) Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, small donor committee, or political party;
- (III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, small donor committee or political party;
- (IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.<sup>6</sup>

In this case, Complainants allege that Respondent “campaigned on school grounds at an official meeting for the Cherry Creek Parents’ Council meeting.” Further, Complainants allege that Respondent “used a school facility, district resources such as a building, microphone, video/audio equipment to campaign for Kristin Allan, candidate for CCSD District E CCSD Board Members.”

The Division finds that Complainants’ allegations indicate one or more potential violations of Colorado campaign finance law.

*3. Complainants allege sufficient facts to support a factual and legal basis for the violation of law alleged in the Complaints.*

The Division initially determines that Complainants allege sufficient facts to support a factual and legal basis for the violation of law alleged in the Complaints.

Complainants allege that Respondent “campaigned on school grounds at an official meeting for the Cherry Creek Parents’ Council meeting.” Further, Complainants allege that Respondent “used a school facility, district resources such as a building, microphone, video/audio equipment to campaign for Kristin Allan, candidate for CCSD District E CCSD Board Members.”

Moreover, Complainants attached numerous documents to the Complaints which provide additional information. A memorandum authored by Cherry Creek Schools specifically states that “[n]o district resources may be utilized to support a candidate (e.g., copies, audio-visual equipment, etc.)” Another document reflects that the meeting at issue was held on September 15, 2021, at a Cherry Creek School District Facility.

Additionally, Complainants attached several images to the Complaints, including images purportedly of Respondent speaking at the meeting in question and using a microphone and podium. Complainants also note that, at the meeting, Respondent was wearing a name tag that included her official title. The attached documents also show a Facebook comment from “Kristin

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<sup>6</sup> COLO. CONST. art. XXVIII, § 2(5)(a).

for CCSD” (the candidate for whom Complainants allege that Respondent campaigned) stating “Thank you so much for your support Karen Fisher.”

Next, Complainants also included a video of Respondent speaking at the meeting, in which Respondent specifically stated that she has “endorsed” Kristin Allan.

Moreover, Complainants attached a notice from Cherry Creek Parents’ Council that stated that, while the Council invited Respondent to speak at the meeting regarding “what the Board of Education’s role is within the district,” Respondent was not invited to endorse any candidates. The notice states that the views Respondent made regarding her endorsement “do not reflect the views of the Parents’ Council Executive Board.” Further, a Parents’ Council Facebook post states that “PTO/PTCOs cannot endorse ANY individuals currently running for the Board of Education.”

The facts alleged by Complainants, if proven, show that Respondent may have violated section 1-45-117, C.R.S. of the Fair Campaign Practices Act.

### **Conclusion**

For the reasons stated above, the Division makes the initial determination that Complainants alleged potential violations of Colorado campaign finance law. Accordingly, the Division will investigate the allegations contained in the Complaints pursuant to section 1-45-111.7(5), C.R.S. to determine whether to file a motion to dismiss the Complaints with the Deputy Secretary of State or file a complaint with a hearing officer.

Dated this 7<sup>th</sup> day of October 2021.

/s/ Emily Curosh  
Emily Curosh  
Campaign and Political Finance Legal Analyst  
Elections Division  
Colorado Secretary of State

## CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Notice of Consolidation, Initial Review, and Investigation was served by electronic transmission to:

**Respondent** – Karen Fisher  
kfisher12@cherrycreekschools.org

**Complainants** – Jennifer Gibbons  
jendarek@msn.com

Bill Leach  
bill.leach7@gmail.com

Jason Hiram Lester  
jles4096@gmail.com

On this 7<sup>th</sup> day of October 2021.

/s/Emily Curosh  
Elections Division